

SEVENTH DAY

(Thursday, January 19, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Hon. Homer Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Goodman
Allen	Gordon, Mrs.
Allison	Hale
Anderson	Hamilton
Bailey	Hardeman
Baker	Hardin
of Fort Bend	Harp
Baker of Grayson	Harper
Bell	Harrell of Bastrop
Blankenship	Harrell of Lamar
Bond	Harris
Boyd	Hartzog
Boyer	Heflin
Bradbury	Holland
Bradford	Howard
Bray	Howington
Bridgers	Hull
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Johnson of Tarrant
Bundy	Keith
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Coleman	Leonard
Colquitt	Leyendecker
Colson, Mrs.	Little
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	Mays
Davis of Jasper	McAlister
Davis of Upshur	McDaniel
Dean	McDonald
Derden	McFarland
Dickison	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Olsen
Gilmer	Pace

Petsch	Spencer
Pevehouse	Stinson
Piner	Stoll
Pope	Talbert
Ragsdale	Tarwater
Reader of Bexar	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Turner
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Wells
Segrist	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wright
Smith	
of Matagorda	

Absent—Excused

Alsup	Wood
Dickson	Worley
Hankamer	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we thank Thee that our lives have been spared to this day with its great opportunities for service. Lead us all by Thy spirit in paths of Thine own choosing, that Thy good will may be done in us and that this day may be fruitful in good works. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Wood for today, on motion of Mr. Ferguson.

Mr. Worley for today, on motion of Mr. Morris.

Mr. Alsup for today, and the remainder of the week, on motion of Mr. Kern.

The following Members were granted leaves of absence on account of illness:

Mr. Dickson for today, on motion of Mr. Pevehouse.

Mr. Hankamer and Mr. Little, temporarily for today, on motion of Mr. Thornton.

SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 47, To the Committee on Conservation and Reclamation.

REQUESTING THE GOVERNOR TO SUBMIT CERTAIN SUBJECT

Mr. Hardin offered the following resolution:

H. S. R. No. 51, Requesting the Governor to submit certain subject.

Whereas, The citizens of Texas adopted a Constitutional amendment by an overwhelming majority, providing for the payment of pensions for all persons over the age of 65 with certain Constitutional restrictions.

Whereas, The people of Texas again on July 23rd of 1938 expressed their opinions at the polls by electing Governor-elect W. Lee O'Daniel by an overwhelming majority on a platform of full payment of pensions.

Whereas, Your present Governor was elected on the platform to take care of his baby, and that such baby has not been taken care of. It is very important that our Governor-elect submit pension Legislation as an emergency measure, in order that such legislation that affects thousands of Texas citizens may not be "bogged" down in the regular routine of legislation.

Resolved, That the Texas House of Representatives, Forty-sixth Legislature Session requests that Governor W. Lee O'Daniel submit the question of pensions as an emergency measure.

The resolution was read second time.

On motion of Mr. Hardin, the resolution was tabled.

NAMING MARVIN GILBERT CLAFLIN MASCOT OF THE HOUSE

Mr. McDonald offered the following resolution:

H. S. R. No. 71, Naming Marvin Gilbert Claflin Mascot of the House.

Whereas, We have with us now a proper person for the office of one of the Mascots of the House of Representatives of the Forty-sixth Legislature; and

Whereas, The House of Representatives has heretofore selected and elected other Mascots for the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That Marvin Gilbert Claflin, known as the "Duke of Claflin," of Laredo, Texas, who is the 27th grandchild of our distinguished Member, the Hon. B. J. Leyendecker of Laredo, Texas, be hereby officially named by this House as one of the Mascots for the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed with the official group picture of this body, and a copy of this resolution be given him.

The resolution was read second time, and was adopted.

NAMING ANNE ALEXANDER SWEETHEART OF THE HOUSE

Mr. Piner offered the following resolution:

H. S. R. No. 72, Naming Anne Alexander as sweetheart of the House.

Whereas, Anne Alexander of Greenville, Texas, is the daughter of Earl T. and Katie Alexander, they being prominent citizens of North Texas, and exemplify the spirit of Texas citizenship; and

Whereas, Anne Alexander, is a beautiful and talented young lady and does exemplify the spirit of fine young womanhood of our State, and is a fit person to be Sweetheart of the House of Representatives.

Be It Resolved by the House of Representatives of the Forty-sixth Legislature, That Anne Alexander be designated as a Sweetheart of the House of Representatives of the Forty-sixth Legislature and that her picture be placed in the group picture of the House of Representatives of the State of Texas, among the Members of the House.

The resolution was read second time, and was adopted.

NAMING JAMES ARTHUR HOLLAND MASCOT OF THE HOUSE

Mr. Montgomery offered the following resolution:

H. S. R. No. 73, Naming James Arthur Holland Mascot of the House.

Whereas, We have with us now a proper person for office of Mascot of the House of Representatives of the Forty-sixth Legislature; now, therefore, be it

Resolved, That James Arthur Holland, son of Hon. Arthur Holland of Belton, Texas, be hereby officially named by this House as Mascot of the House of Representatives of the Forty-sixth Legislature of the State of Texas; and be it further

Resolved, That the said Mascot have his picture made and placed in the official group of this body.

The resolution was read second time, and was adopted.

RELATIVE TO CODIFICATION OF THE INSURANCE LAWS OF THE STATE

Mr. Baker of Fort Bend offered the following resolution:

H. C. R. No. 17, Relative to Codification of the insurance laws of the State.

Whereas, The Laws of the State of Texas relative to the organization of insurance companies and the regulation of the operations of such companies by the State constitute a patch work of separate enactments passed at various times over a long period; and

Whereas, Said laws are not unified by a general policy or principle; and

Whereas, Said laws are inconsistent and contradictory among themselves; and

Whereas, Said laws are thought to involve various discriminations between different classes of insurance companies; and

Whereas, The codification of the insurance laws is a task of too great proportions to be undertaken at a single session of the Legislature and involves technical considerations requiring the assistance of trained experts; now, therefore be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That a joint committee be created to consider and report upon the codification of the insurance laws of the State of Texas.

Said committee shall consist of two Members of the Senate to be appointed by the President of the Senate and three Members of the House, to be appointed by the Speaker of the House. Said committee shall meet and organize by electing its

chairman and adopting its own rules of procedure as soon as practicable after the adjournment of the present session of the Legislature or of any Special Session immediately following said present session. Suitable committee rooms shall be provided in the Capitol for the use of said committee and except as otherwise determined by said committee, meetings thereof shall be open to the public. Said committee shall report its findings at the first Regular Session of the next Legislature or at a subsequent Called Session of this Legislature called for the purpose of receiving such report.

In order to facilitate the work of said committee it shall have power to issue compulsory process for witnesses; and for any books and records of any person, firm, or corporation doing business in this State it may deem it desirable to inspect in the course of its work. Said committee shall further have access to all the books and records of the State Board of Insurance Commissioners or of any other State department for the purpose of facilitating its work, and the employees and members of said board are hereby directed to lend all possible assistance to said committee in the performance of its work. Said committee is hereby directed to study the insurance laws of other States and to receive such information as it may deem helpful from the officers of other States charged with the enforcement of the insurance laws of such other States. Said committee shall have power to require from any person, firm or corporation conducting any form of business of insurance in this State, or conducting in this State the business of an insurance agent or attorney-in-fact, or broker, any information which said committee shall deem pertinent to the task hereby committed to it.

Said committee shall have power to employ and compensate legal counsel, actuaries and such other experts as its duties may require and further to employ and compensate stenographers, investigators and other necessary employees. It shall keep a record of all its expenditures. The members of said committee shall be repaid all expenses incurred by them including traveling expenses to and from meetings of said committee or places to which they are required to go in connection with the work of

said committee. All expenditures of said committee shall be made only upon sworn account of the persons entitled to be paid any sums expended.

Said committee is hereby authorized and directed to cause to be printed two thousand (2,000) copies of its report.

For the purpose of defraying the expenses of the committee herein above provided for there is hereby appropriated from the Insurance Examination Fund, the Fire Insurance Division Fund, the Compensation Insurance Division Fund, and the Motor Vehicle Insurance Division Fund, the aggregate sum of \$_____, to be charged pro rata to said funds according to the relative volume of said funds during the fiscal year ending August 31, 1938.

The resolution was read second time.

On motion of Mr. Baker of Fort Bend, the resolution was referred to the Committee on Insurance.

TO REQUEST GOVERNOR TO SUBMIT CERTAIN SUBJECT IN REGARD TO OLD AGE ASSISTANCE

Mr. Harrell of Lamar offered the following resolution:

H. C. R. No. 18, To Request Governor to submit certain subject in regard to old age assistance.

Whereas, The Constitutional Amendment was submitted to the people of Texas on the question of providing funds for the assistance of the aged, needy of this State who could qualify under the provisions of the said Amendment; and

Whereas, At an election on August 24, 1935, said Constitutional Amendment was approved by the people of Texas by an overwhelming majority of approximately four to one of all votes cast at said election. Said Constitutional Amendment being found in Article 3, Section 51b of the Constitution of this State; and

Whereas, Said approval by the people of this State constitutes a mandate to the Legislature to provide adequately within the limits of the said constitutional provision for assistance to the aged and needy; and

Whereas, Heretofore it has become necessary in order to carry out said provision to borrow money from certain banks amounting to approximately One Million Six Hundred

Thousand (\$1,600,000.00) Dollars; and

Whereas, A major part of said indebtedness is long past due and unpaid; and

Whereas, The outgoing Governor, His Excellency Governor James V. Allred, has recommended to this Legislature that such indebtedness be paid; and

Whereas, There are now on the rolls of the Old Age Assistance Commission approximately one hundred fourteen thousand (114,000) aged, needy people; and

Whereas, It requires for the monthly payroll of said needy persons, who have been found to be eligible, approximately One Million Five Hundred Thousand (\$1,500,000.00) Dollars per month; and

Whereas, If said indebtedness to said banks is to be paid immediately it will create a deficit in the Old Age Assistance Fund and will perhaps require the discontinuance of payment to said needy persons for at least one month; and

Whereas, Said payment if made immediately will fall during the bleak winter period and will bring about untold suffering and want on the part of these eligible persons now on the rolls and will deprive these persons of the necessary food, heat, and clothing necessary for their comfort; and

Whereas, The humanitarian principles of a proud and generous people of this grand and glorious State demands that such a situation, as the failure to pay these people should not be permitted by this Legislature and renders imperative the passage immediately of some emergency legislation sufficient to obviate and prevent such disaster; and

Whereas, It is necessary and urgent that proper legislation be at once passed by this Legislature and that in order to give such legislation preferential status and priority of consideration, such legislation should be submitted by the Governor of this State as an emergency measure; and

Whereas, Certain Members of this House have prepared legislation which will, it is believed, effectively accomplish this purpose; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That this Legislature respectfully requests the Governor to immediately submit

proper legislation to overcome the possibility of being forced to discontinue or reduce payments to the aged, needy of this State. Said legislation being either by direct appropriations, transfers or the authorization of the Board of Control to negotiate for a refinancing of said indebtedness so as that said funds may be used for the payment of allowances to those entitled thereto.

HARRELL of Lamar,
FIELDEN,
LEHMAN.

The resolution was read second time.

Mr. Petsch moved that the resolution be referred to the Committee on State Affairs.

Mr. Harrell of Lamar moved to table the motion of Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—56

Allen	Hull
Allison	Hunt
Anderson	Isaacks
Bailey	Johnson of Tarrant
Baker of Grayson	Kennedy
Boyer	Kerr
Bradbury	Lehman
Bray	Loggins
Broadfoot	Mays
Burney	McNamara
Chambers	Montgomery
Clark	Morris
Cornett	Newell
Davis of Jasper	Oliver
Dean	Reader of Bexar
Derden	Reaves
Dickison	Roberts
Donaghey	Robinson
Dowell	Russell
Dwyer	Skiles
Fielden	Smith of Hopkins
Galbreath	Spencer
Hamilton	Stoll
Hardin	Talbert
Harp	Tennant
Harrell of Bastrop	Turner
Harrell of Lamar	Weldon
Harris	Wells

Nays—76

Baker	Bradford
of Fort Bend	Bridgers
Bell	Brown of Cherokee
Blankenship	Brown
Bond	of Nacogdoches
Bundy	Bundy

Burkett	McDaniel
Cauthorn	McDonald
Cockrell	McFarland
Coleman	McMurry
Colquitt	Mohrmann
Colson, Mrs.	Nicholson
Corry	Olsen
Crossley	Pace
Daniel	Petsch
Davis of Upshur	Pevehouse
Faulkner	Piner
Felty	Pope
Ferguson	Reader of Erath
Fuchs	Reed
Gilmer	Rhodes
Goodman	Riviere
Gordon, Mrs.	Roach
Hale	Schuenemann
Hardeman	Shell
Harper	Smith of Frio
Heflin	Stinson
Holland	Tarwater
Howard	Taylor
Howington	Thornberry
Johnson of Ellis	Vale
Kern	Vint
Kersey	Voigt
Kinard	Waggoner
King	Westbrook
Langdon	White
Leyendecker	Wilson
Lock	Winfree
McAlister	Wright

Absent

Celaya	Ragsdale
Cleveland	Segrist
Hartzog	Thornton

Absent—Excused

Alsup	Monkhouse
Dickson	Smith
Hankamer	of Matagorda
Keith	Wood
Little	Worley
London	

Question recurring on the motion to refer the resolution to the Committee on State Affairs, it prevailed.

RELATIVE TO THE OFFICIAL SONG OF THE STATE OF TEXAS

Mr. Segrist offered the following resolution:

H. C. R. No. 16, Relative to the official song of the State of Texas.

Whereas, W. Lee O'Daniel, Governor of Texas, imbued with the glorious history of our State and inspired by her promising future, wrote a song entitled "Beautiful Texas", that ex-

presses in poetic and impressive terms the real spirit of Texas; and

Whereas, W. Lee O'Daniel was moved to compose this stirring song in commemoration of the one hundredth anniversary of Texas independence; and

Whereas, At his inaugural ceremony and throughout his memorable campaign for Governor of Texas, "Beautiful Texas" touched the hearts of and fixed the determination of Texans in every section of the State to revive and make secure the true spirit of liberty, independence and freedom in this State; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That the song "Beautiful Texas", be adopted as the official song of Texas.

SEGRIST,
JOHNSON of Tarrant,
DERDEN,
KERN,
BELL,
TURNER,
CORNETT,
REAVES,
RHODES,
OLIVER,
RUSSELL,
SPENCER,
NEWELL,
ALLEN,
TENNANT,
BOYER,
BURKETT,
BOYD,
DWYER,
KERR,
BUNDY,
REED,
McDANIEL,
McALISTER,
ROBINSON,
GALBREATH,
PETSCH,
HARTZOG,
HARRELL of Lamar,
WELDON,
McDONALD,
WHITE,
LOCK,
SKILES,
BAKER of Fort Bend,
BROWN of Nacogdoches,
HAMILTON,
BAKER of Grayson,
WESTBROOK,
GOODMAN,
HOWINGTON,
CHAMBERS,

DAVIS of Upshur,
ROACH,
LEYENDECKER,
HOLLAND.

The resolution was read second time.

Mr. Colquitt raised a point of order, on further consideration of the resolution, on the ground that a State song has heretofore been adopted.

The Chair sustained the point of order.

MESSAGE FROM THE SENATE

Austin, Texas, January 19, 1939.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate, to inform the House that the Senate has passed the following:

H. C. R. No. 12, Authorizing the Speaker of the House to appoint three Members of the House and the President of the Senate to appoint three Members of the Senate to meet in Joint Conference for the purpose of selecting some worthy person as poet laureate.

H. B. No. 2, A bill to be entitled "An Act amending Article 1901 of the Revised Civil Statutes of 1925 pertaining to the custody and care of records, excepting certain counties, and providing specific provisions for the removal of records under certain conditions, and providing an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONCERNING POLICY OF HOUSE IN REGARD TO REVENUE RAISING MEASURES

Mr. Derden offered the following resolution:

H. S. R. No. 75. Concerning policy of House in regard to revenue raising measures.

Whereas, Many of the Members of the House of Representatives now in session come from legislative districts in which the majority of the citizens are opposed to a sales tax or any form of sales tax, even though such tax may be known by some other name, such as a transaction tax; and

Whereas, Many of the Members of this House of Representatives have pledged themselves against any form

of a sales tax or a tax of similar nature; and

Whereas, Many of the Members of this House are of the opinion and firm conviction that the natural resources of this State, and those who profit upon the natural resources of this State are not now bearing just portions of the burden of taxation; and

Whereas, Many of the Members of this House have made solemn pledges to their constituents that they would do all within their power to see that natural resources of this State do bear their just portion of the burden of taxes of this State, and that they would not vote for nor submit to the vote of the people a proposed sales tax or any other character of tax of similar nature, such as a transaction tax, without first having made every effort to bring about an increase in the taxes now being paid by those who profit from the exploitation of the natural resources of Texas, agreeing and pledging with their constituents that a sales tax or any form of such taxes, would be the last resort to which we might turn for additional revenue, either to support the regular and ordinary functions of government or the Social Security program in all of its phases; and

Whereas, The Governor of this State in his message to the Legislature in Joint Session at 2:00 p. m. on January 18th, 1939, submitted to the Legislature his message wherein he has put himself on record as opposed to any increase in the taxes now paid by those who profit by an exploit upon the natural resources of this State and has requested that the Members of this House and of the Senate immediately submit to the people of Texas a new Constitutional amendment wherein they are requested to adopt a Transaction Tax, which is not only a tax upon the retail sales but also upon every form of sales and transactions made, with some exceptions as set forth in his message, said Transaction Tax being nothing more than a multiplied form of the Sales Tax; and

Whereas, It is the desire of many Members of the House first to attempt and at least make an effort to raise all the possible revenue available from an additional tax from all the natural resources of this State as well as an increase in other forms of taxation which this body might

reasonably do, and after said effort has been made and all of the additional revenue possible has been raised from such sources, the proceeds of it to be applied towards the payment of a more liberal old age pension, and thereby liberalizing the old age pension to the fullest extent possible within the limits of the revenue which we would thereby provide; and

Whereas, After such efforts have been made and all the revenue possible has been applied from whatever increase we might procure in the taxes on natural resources and increase in other taxes which we might reasonably make, if it is then determined that we have not been successful in raising enough money to liberalize the old age pension to the fullest extent required by the people of this State and as recommended by our Governor, then such a proposed form of taxation, such as a sales tax or the transaction tax, might then be reasonably submitted to the people of this State for their due consideration; now, therefore, be it

Resolved by the House of Representatives of the Forty-sixth Legislature, That we adopt as the policy of this House in this Regular Session that we will first bend our efforts towards the consideration and passage of revenue bills which propose an increase in the taxes now paid upon the natural resources of this State, as well as other taxes which might be reasonably increased by this Legislature within its own rights and power, and that after such revenue bills have been passed and signed by the Governor that this House shall immediately take up a bill or bills which have been or may be hereafter submitted proposing to liberalize the old age assistance in Texas, and thereby liberalizing the old age assistance or pensions to the fullest extent within the limits of the revenue and which this Legislature may in its actions provide; and be it further

Resolved, That after all additional revenue has been raised and the old age assistance or pensions has been liberalized to the fullest extent within the limits of the funds raised and revenue available for such purposes, that this House then take up for consideration passage of the measure submitted by the Governor, in which message herein a transaction tax is proposed as the means of supporting

the Social Security program of this State; and, be it further

Resolved, That the Governor be requested to supplement his message by another message to this Legislature, and that he be respectfully requested to permit this House to first consider problems to raise revenue for the Social Security program upon measures which propose an increase in the taxes upon the natural resources of this State and other means of taxation which might be reasonably passed by this Legislature, and that after such efforts have been made and such tax bills fully considered and either passed or defeated, that he then submit to this Legislature his proposed Constitutional amendment providing for the transaction tax as a means of additional revenue for the purpose of supporting the Social Security program of this State, provided such additional revenue is at that time needed.

The resolution was read second time.

Mr. Fielden raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Chair sustained the point of order.

Mr. Bradbury moved that the Rule, relative to the time allotted for the consideration of resolutions, be suspended until the above resolution is disposed of.

Mr. Fielden moved to table the motion by Mr. Bradbury.

The motion to table was lost.

Question then recurring on the motion by Mr. Bradbury, it prevailed by the following vote:

Yeas—108

Allen	Celaya
Allison	Chambers
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colson, Mrs.
Bell	Cornett
Boyd	Corry
Bradbury	Crossley
Bridgers	Davis of Jasper
Brown of Cherokee	Davis of Upshur
Brown	Dean
of Nacogdoches	Derden
Bundy	Dickison
Burkett	Donaghey
Burney	Dowell

Dwyer	Nicholson
Felty	Oliver
Ferguson	Page
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Goodman	Pope
Gordon, Mrs.	Ragsdale
Hale	Reader of Bexar
Hamilton	Reader of Erath
Hardeman	Reaves
Hardin	Rhodes
Harp	Riviere
Harper	Roach
Harrell of Bastrop	Roberts
Harrell of Lamar	Robinson
Harris	Russell
Holland	Schuenemann
Howard	Shell
Howington	Skiles
Hunt	Smith of Frio
Isaacks	Smith of Hopkins
Johnson of Ellis	Spencer
Kennedy	Stinson
Kern	Stoll
Kerr	Tarwater
Kersey	Taylor
King	Thornberry
Lehman	Turner
Leyendecker	Vint
Lock	Voigt
Mays	Waggoner
McDonald	Weldon
McMurry	Wells
McNamara	Westbrook
Mohrmann	White
Montgomery	Wilson
Morris	Winfree
Newell	Wright

Nays—22

Boyer	Johnson of Tarrant
Bradford	Kinard
Bray	Langdon
Broadfoot	McAlister
Cauthorn	McDaniel
Clark	McFarland
Colquitt	Olsen
Daniel	Reed
Faulkner	Talbert
Fielden	Tennant
Hull	Vale

Absent

Anderson	Little
Blankenship	Loggins
Bond	Segrist
Hartzog	Thornton
Heflin	

Absent—Excused

Alsup	Monkhouse
Dickson	Smith
Hankamer	of Matagorda
Keith	Wood
London	Worley

Mr. Ragsdale moved that the resolution be referred to the Committee on Revenue and Taxation.

The motion prevailed.

Mr. Derden moved to reconsider the vote by which the resolution was referred to the Committee on Revenue and Taxation.

Question recurring on the motion by Mr. Derden, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—41

Baker of Grayson	Langdon
Bridgers	Lehman
Brown of Cherokee	McNamara
Brown of Nacogdoches	Mohrmann
Chambers	Morris
Cleveland	Oliver
Cockrell	Reader of Erath
Cornett	Roach
Davis of Upshur	Russell
Derden	Skiles
Dowell	Smith of Hopkins
Ferguson	Smith
Hale	of Matagorda
Hardin	Spencer
Harrell of Lamar	Talbert
Holland	Voigt
Howington	Waggoner
Isaacks	Weldon
Keith	Wells
Kern	Wilson
Kerr	Wright

Nays—95

Allen	Donaghey
Allison	Dwyer
Bailey	Faulkner
Bell	Felty
Blankenship	Fielden
Bond	Fuchs
Boyd	Galbreath
Boyer	Gilmer
Bradbury	Goodman
Bradford	Gordon, Mrs.
Bray	Hamilton
Broadfoot	Hardeman
Bundy	Harp
Burkett	Harper
Burney	Harrell of Bastrop
Cauthorn	Harris
Celaya	Hartzog
Clark	Howard
Coleman	Hull
Colquitt	Hunt
Colson, Mrs.	Johnson of Ellis
Corry	Johnson of Tarrant
Crossley	Kennedy
Daniel	Kersey
Davis of Jasper	Kinard
Dickison	King

Leyendecker	Rhodes
Little	Riviere
Lock	Roberts
Loggins	Robinson
London	Schuenemann
Mays	Segrist
McAlister	Shell
McDaniel	Smith of Frio
McDonald	Stinson
McFarland	Stoll
McMurry	Tarwater
Montgomery	Taylor
Newell	Tennant
Nicholson	Thornberry
Olsen	Thornton
Pace	Turner
Petsch	Vale
Pevehouse	Vint
Piner	Westbrook
Pope	White
Reaves	Winfree
Reed	

Absent

Anderson	Heflin
Baker	Ragsdale
of Fort Bend	Reader of Bexar
Dean	

Absent—Excused

Alsup	Monkhouse
Dickson	Wood
Hankamer	Worley

REASON FOR VOTE

I voted to send the Derden resolution to the Committee on Revenue and Taxation for the following reason:

"The resolution will do no good because in a General Session the House, by its vote, can consider a natural resource tax without the adoption of this resolution. The consideration of this resolution is a waste of time.

In my opinion, we need to get down to the business of passing legislation for the good people of this State, instead of wrangling over a simple resolution which will not accomplish anything. I am going to vote for revenue measures in order to liberalize the pensions, but I refuse to be hog tied by voting for the consideration of one definite tax levy so that the old age of this State will be fed and clothed. It may take more than one tax levy—I want to be free to vote for any and all that I think necessary to take care of our obligations to the citizenship of the State of Texas."

FIELDEN.

PROVIDING FOR CERTAIN ADJOURNMENT PERIOD

Mr. Reed offered the following resolution:

H. C. R. No. 19, Providing for certain adjournment period.

Be It Resolved by the House of Representatives, the Senate concurring, That each House grant to the other permission to adjourn from Thursday, January 19, 1939, to Monday, January 23, 1939.

The resolution was read second time, and was adopted.

PROVIDING FOR THE PAYMENT OF CERTAIN PRE-SESSION WORK

Mr. Stinson offered the following resolution:

H. S. R. No. 76, Providing for the payment of certain pre-session work.

Whereas, It was necessary that certain work be done prior to the opening of the Regular Session of the Forty-sixth Legislature in preparing the Hall and having other necessary preparations made; now, therefore, be it

Resolved, That the Speaker be authorized to pay all employees engaged in such work for the number of days in which they were engaged in such work, at the same rate of pay fixed for similar work during this Session of the Legislature.

The resolution was read second time, and was adopted.

(Speaker in the Chair.)

BILL AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolution:

H. C. R. No. 12, Authorizing the appointment of a committee for the purpose of selecting a poet laureate of the State.

H. B. No. 2, "An Act amending Article 1901 of the Revised Civil Statutes of 1925 pertaining to the custody and care of records, excepting certain counties; and providing specific provisions for the removal of records under certain conditions, and providing an emergency."

(Mr. Leonard in the Chair.)

ADJOURNMENT

On motion of Mr. Anderson, the House, at 11:53 o'clock a. m., adjourned until 11:00 o'clock a. m., tomorrow.

APPENDIX

REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,
Austin, Texas, January 18, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 12, Providing for a committee for the purpose of selecting a poet laureate of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Acting Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, January 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 2, "An Act amending Article 1901 of the Revised Civil Statutes of Texas of 1925, pertaining to the custody and care of records; excepting certain counties; and providing specific provisions for the removal of records under certain conditions; and providing an emergency."

Has carefully compared same and finds it correctly enrolled.

LINDLEY, Acting Chairman.

Austin, Texas, January 19, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 12, Authorizing the Speaker of the House to appoint three (3) Members of the House and the President of the Senate to appoint three (3) Members of the Senate to meet in joint conference for the purpose of selecting some worthy person as poet laureate.

Has carefully compared same and finds it correctly enrolled.

LINDLEY, Acting Chairman.

In Memory of

Hon. E. T. (Tam) Chandler

Mr. Reader of Erath offered the following resolution:

H. S. R. No. 74, In memory of the Honorable E. T. (Tam) Chandler.

Whereas, In the interim since the convening of the Forty-sixth Legislature of the State of Texas, now in Session and on the 15th day of January, 1939, God in His wisdom took from our earthly ranks the precious soul of the Honorable E. T. (Tam) Chandler of Stephenville, Erath County, Texas. Honorable in the true sense and meaning of the term, honorable in pursuits, honorable in trust, honorable in his religion and honored by all who were fortunate enough to know him; and

Whereas, All the people of Erath County and adjoining counties and elsewhere in Texas where he was known, bow their heads in a spirit of respect for the great loss of this pioneer citizen and lawyer.

To have known this man was to trust him and love him, for his worth and devotion were unexcelled. It can be truly said that he had an abiding faith in the human race; he believed that all men were created equal and had an inalienable right to free expression. He was kind to those who implored him and it is recognized that if every man, woman and child to whom he had done a kindness should come bringing with them one lonely bud and lay upon his tomb, he would then sleep beneath a bed of roses; and

Whereas, The memories of the Legislature this day recognize the outstanding marks of true citizenship embodied in the being of this great man during his sojourn upon this earth and wish to offer some expression of regret and profound sorrow at his passing.

Tam Chandler was forty-nine years of age at what should have been the meridian of his life. He served for many years in a law firm with his brother, the late F. H. Chandler, and the widely known William Pannill. At the time of his death was a senior member of the present law firm of Chandler and Chandler. He had acted for a number of years as elder in the First Christian Church of Stephenville and had filled a number of civic offices.

In 1915 he married Miss Esther Clark, youngest daughter of the late Randolph Clark who was a pioneer in Texas education circles and one of the founders of Texas Christian University. He is survived by his mother, Mrs. E. H. Chandler, his widow, a daughter, Ella Frances Chandler, and a son, Clark Pannill Chandler; and

Whereas, He has left to his family a heritage to ever be looked upon with pride and a recorded career that stimulates the hearts and hopes of his followers; and

Whereas, All down through the years he has been a man among men, a citizen among citizens, a Christian among Christians and an outstanding lawyer among lawyers; and

Whereas, We, the friends who were privileged to call him a friend, feel deeply touched and deplore his loss and extend our deepest sympathies to his bereaved family; now, therefore, be it

Resolved by the House of Representatives, That a copy of this resolution be spread on the memorial pages of the House Journal of this day in

memory of the deceased and as a tribute to a man who brought honor to his town, to his county and to all who knew him; and be it further

Resolved, That the Chief Clerk of the House of Representatives send the family of the deceased a copy of this resolution under the seal of the House of Representatives and that when the House adjourns today, it do so with all honor and respect according to the life works and faith of the late Honorable E. T. (Tam) Chandler.

READER of Erath,
BURKETT,
SPENCER,
KENNEDY,
HOWINGTON,
READER of Bexar,
BURNEY.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Olsen, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Langdon, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.